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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
Inventor(s): Nanda Dulal SINHA	)	
Appln. No.: 10/531,323	)	Group Art Unit: unassigned
Filed: April 14, 2005	)	Examiner: unassigned
Title: PHOSPHITYLATION PROCESS	)	

**SUPPLEMENTAL RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS**

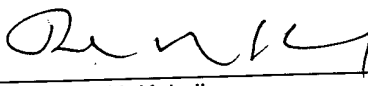
Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

It is noted that the Notification of Missing Requirements, in addition to requiring signed declaration and surcharge, requires the applicants to submit a paper copy of a "Sequence Listing", related amendment and CRF. However, with respect, it is submitted that the indicated requirements for sequence information are not relevant to the present case. In particular, the application does not disclose any nucleotide or amino acid sequences meeting the requirements of 37 CFR 1.821. Possibly there has been confusion by the reference to DMT- or TBDMS- in Table 1. However, these are only shorthand references to protecting groups. The nucleosides listed in Table 1 do not include sequences of at least 10 nucleotides as required by 37 CFR 1.821(a) so as to call for sequence listing and related submissions.

In view of the foregoing, withdrawal of the requirement for a sequence listing, related amendment and CRF is requested.

Respectfully submitted,  
MORGAN LEWIS & BOCKIUS LLP

By   
Paul N. Kokulis  
Reg. No. 16773

Date: October 11, 2005

**Customer No. 09629**

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PATENT  
A0TTORNEY DOCKET NO.: 056258-5102

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Nanda Dulal SINHA

U.S. Application No.: 10/531,323

International Appln. Filing Date: October 8, 2003

Date of National Stage Entry: April 14, 2005

For: **Phosphitylation Process**

Group Art Unit: Unassigned

Examiner: Unassigned

Commissioner of Patents  
**MAIL STOP PCT**  
Alexandria, VA 22314

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed September 2, 2005.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

## 3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

## 4. Small Entity Statement(s)

☐ Applicant(s) hereby assert small entity status.

## 5. Fee Calculation

Basic National Stage Fee:				
\$300.00				
	Number Filed	Number Extra	at a Rate of	
Total Claims	22-20 =	2	\$50.00 each=	+\$0
Independent Claims	2- 3 =	0	\$200.00 each=	+\$0
Multiple dependent claim(s), if any			\$360.00	+\$0
Missing Requirements Surcharge Fee			\$130.00	\$130.00
Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100				\$
Application Search Fee			\$500.00	\$
Examination Fee			\$200.00	\$
SUB-TOTAL =				\$130.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	+\$
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	+\$
TOTAL FILING FEE =				\$130.00

## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

	<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/>	One month	\$120.00	\$60.00
<input type="checkbox"/>	Two months	\$450.00	\$225.00
<input type="checkbox"/>	Three months	\$1,020.00	\$510.00
<input type="checkbox"/>	Four months	\$1,590.00	\$795.00
<input type="checkbox"/>	Five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request:

\$0.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 7. Fee Payment

The total fee due is:	Completion Fees	<u>\$130.00</u>
	Assignment Fees	<u>\$40.00</u>
	Total Fee Due	<u>\$170.00</u>

- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.
- ☒ Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

10/14/2005 MKAYPAGH 00000135 500310 10531323

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8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)
- ☒ Supplemental Preliminary Amendment
- ☐ PCT/IB/338 English translation of the International preliminary Examination Report
- ☐ Supplemental Information Disclosure Statement
- ☐ Form PTO-1449, document as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☒ Supplemental Response to Notification of Missing Requirements

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Paul N. Kokulis  
Reg. No. 16,773

Date: October 11, 2005

**Customer No. 09629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO

11 OCT 2005

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/531,323	FIRST NAMED APPLICANT Nmand Dulal Sinha	ATTY. DOCKET NO. 056258-5102
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INTERNATIONAL APPLICATION NO. PCT/GB03/04312
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I.A. FILING DATE 10/08/2003	PRIORITY DATE 10/15/2002
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09629  
 MORGAN LEWIS & BOCKIUS LLP  
 1111 PENNSYLVANIA AVENUE NW  
 WASHINGTON, DC 20004

CONFIRMATION NO. 1373  
 371 FORMALITIES LETTER



\*OC00000016931130\*

Date Mailed: 09/02/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/14/2005
- Copy of the International Search Report filed on 04/14/2005
- Copy of IPE Report filed on 04/14/2005
- Preliminary Amendments filed on 04/14/2005
- Information Disclosure Statements filed on 04/14/2005
- U.S. Basic National Fees filed on 04/14/2005
- Priority Documents filed on 04/14/2005
- Specification filed on 04/14/2005
- Claims filed on 04/14/2005
- Abstracts filed on 04/14/2005

Doctored 9/08/05 Attorney PNK  
 Case 56258-5102  
 Due Date November 2, 2005  
 Action Missing Requirements  
 By GD Chk BR

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

RECEIVED  
 SEP 08 2005  
 MORGAN, LEWIS & BOCKIUS

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/531,323	PCT/GB03/04312	056258-5102

FORM PCT/DO/EO/905 (371 Formalities Notice)